

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: Andrea D. Branch et al.

Serial No.: 09/719,277

Filing Date: December 8, 2000

For: *Novel Hepatitis C Virus Peptides and Uses Thereof*

Attorney Docket No.: RII-003CPUS

Group Art Unit:

Examiner:

Commissioner for Patents  
Box Sequence  
Washington, D.C. 20231

**TRANSMITTAL LETTER FOR DISKETTE CONTAINING SEQUENCE LISTING**

Dear Sir:

Enclosed is a diskette which contains a computer readable form of the Sequence Listing for the patent application filed herewith. The Sequence Listing complies with the requirements of 37 C.F.R. § 1.821. The information recorded in computer readable form is identical to the written Sequence Listing appearing on pages 1-3 submitted herewith, and as originally filed on December 8, 2000, as required by 37 C.F.R. § 1.821(f). The computer readable form of the Sequence Listing contained on the enclosed diskette is understood to comply with the requirements of § 1.824(d).

"Express Mail" mailing label number EL 833 312 952 US

Date of Deposit January 3, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Box PCT, Washington, D.C. 20231

*Olivia Taylor*  
Signature

Please Print Name of Person Signing  
*Olivia Taylor*

LAHIVE & COCKFIELD, LLP  
Attorneys at Law

By *Megan E. Williams*  
Megan E. Williams, Esq.  
Reg. No. 43,270  
28 State Street  
Boston, MA 02109  
Telephone: 617-227-7400  
Facsimile: 617-742-4214

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER  
35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

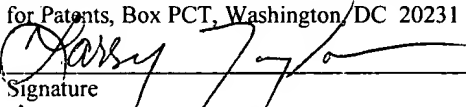
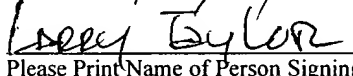
Dear Sir:

Applicants respectfully submit that the *Notification of Missing Requirements Under 35 U.S.C. 371* dated May 3, 2001 requiring a Sequence Listing pursuant to 37 CFR 1.821-1.825 was issued in error by the United States Patent and Trademark Office. Applicants filed a paper copy of the Sequence Listing and a copy of the sequence listing in computer readable format pursuant to 37 CFR 1.821(e) with the application as filed on December 8, 2000. As evidence of the foregoing, Applicants enclose herewith copies of the following: the return postcard stamped by the PCT Branch of the United States Patent and Trademark Office indicating that a paper copy of the sequence listing and a diskette containing the Sequence Listing were received on December 8, 2000 with the application as filed; the transmittal form for the above-identified application dated December 8, 2000 indicating that a paper copy of the sequence listing and a diskette containing the Sequence Listing were transmitted with the application as filed, and a copy of the face of the diskette containing the Sequence Listing which was transmitted with the application as filed on December 8, 2000. In view of the foregoing, it is Applicants' position that the

outstanding *Notification of Missing Requirements Under 35 U.S.C. 371* should be vacated.

However, in response to the *Notification of Missing Requirements Under 35 U.S.C. 371* dated May 3, 2001, Applicants submit herewith a substitute computer readable form of the Sequence Listing pursuant to 37 CFR 1.821(e) along with a Transmittal for Diskette Containing Sequence Listing. A copy of the *Notification of Missing Requirements* is enclosed as well.

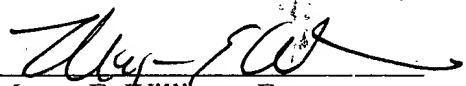
No fees are believed due in connection with this communication. However, please charge any underpayments or credit any overpayments associated with this communication to our Deposit Account No. 12-0080. Applicants request any extensions of time necessary to respond. For this purpose, a duplicate of this letter is enclosed.

"Express Mail" mailing label number <u>EL 833.312 952 US</u>	
Date of Deposit <u>January 3, 2002</u>	
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Box PCT, Washington, DC 20231	
 Signature	
 Please Print Name of Person Signing	

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

By

  
Megan E. Williams, Esq.  
Reg. No. 43,270  
28 State Street  
Boston, MA 02109  
617-227-7400

Dated: January 3, 2002

NOVEL HEPATITIS C VIRUS PEPTIDES AND USES THEREOF

Office No. RII-003CPUS

THE "RECEIVED" STAMP OF THE PATENT AND TRADEMARK OFFICE  
IMPRINTED HEREON ACKNOWLEDGES THE FILING OF:

Description of Paper\* and No.: Transmittal Letter (2 sheets in duplicate); Declaration, Petition and Power of Attorney (unexecuted) (4 sheets); PCT International Published Application (WO 99/63941) (without International Search Report) (51 sheets); PCT International Published Application (WO 99/63941) (with International Search Report attached) (3 sheets); Sequence Listing (3 sheets); Diskette Containing Sequence Listing; Check (\$520); Certificate of Express Mailing (1 sheet); and Return Postcard.

Name of Applicant(s): Andrea D. BRANCH et al.

**09/719277**

Intf. or Serial No.: PCT Chapter II US National (371) Stage of PCT/US99/12929 filed 09 June 1999

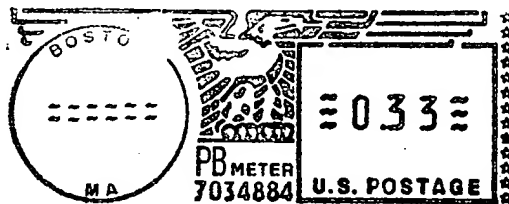
Atty: Giulio A. DeConti, Jr., Esq.

Date: 08 December 2000

\*with Certificate of Express Mailing No. EL 589 754 944 US

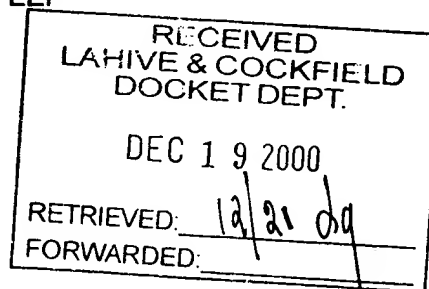
**COPY**

**525 Rec'd PCT/PTO 08 DEC 2000**

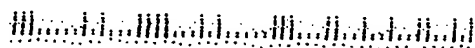


NO POSTAGE STAMP NECESSARY  
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LAHIVE & COCKFIELD, LLP  
28 STATE STREET  
BOSTON, MA 02109



02109+1784



LAHIVE  
&  
COCKFIELD  
L L P

COUNSELLORS AT LAW  
28 STATE STREET  
BOSTON, MASSACHUSETTS 02109-1784  
TELEPHONE (617) 227-7400  
FAX (617) 742-4214  
lc@lahive.com

JOHN A. LAHIVE, JR. (1928-1997)  
THOMAS V. SMURZYNSKI  
RALPH A. LOREN  
GIULIO A. DeCONTI, JR.  
ANN LAMPORT HAMMITTE  
ELIZABETH A. HANLEY  
AMY BAKER MANDRAGOURAS  
ANTHONY A. LAURENTANO  
KEVIN J. CANNING  
JANE E. REMILLARD  
DeANN FORAN SMITH  
PETER C. LAURO  
JEANNE M. DIGIORGIO  
DEBRA J. MILASINCIC, Ph.D.  
DAVID J. RIKKERS  
DAVID R. BURNS  
JOHN S. CURRAN  
SEAN D. DETWEILER

CYNTHIA L. KANIK, Ph.D.  
MEGAN E. WILLIAMS, Ph.D.  
RICHA NAND  
MICHAEL PHILLIPPS \*  
LISA M. DIROCCO  
HATHAWAY P. RUSSELL \*\*\*

SENIOR COUNSEL  
JAMES E. COCKFIELD

OF COUNSEL  
JEREMIAH LYNCH  
WILLIAM A. SCOFIELD, JR.  
SIBLEY P. REPPERT,

PATENT AGENTS  
THEODORE R. WEST  
SHAYNE Y. HUFF, Ph.D.  
DANIEL B. KO

TECHNICAL SPECIALISTS  
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.\*\*  
CYNTHIA M. SOROOS  
PETER W. DINI, Ph.D.  
EUIHOON LEE  
JENNIFER K. ROSENFELD  
ALLAN TAMESHTIT, Ph.D.  
CATHERINE E. McPHERSON  
ERIC F. WAGNER, Ph.D.  
SHAHID HASAN, Ph.D.  
JACOB G. WEINTRAUB  
PETER A. DIMATTIA  
JONATHAN M. SPARKS, Ph.D.  
CRISTIN E. HOWLEY, Ph.D.  
VINCENT P. LOCCISANO  
MERIDETH C. ARNOLD

\* Admitted in NY only  
\*\* Passed the Patent Bar Examination  
\*\*\* Admitted in TX only

JC10 Rec'd PCT/PTO 03 JAN 2002 #9

January 3, 2002

Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/719,277  
Based on International Application No.: PCT/US99/12929  
Applicants: Andrea D. Branch et al.  
I.A. Filing Date: June 9, 1999  
Title: *Novel Hepatitis C Virus Peptides and Uses Thereof*  
Attorney Docket No.: RII-003CPUS

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

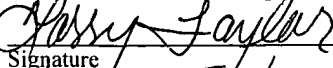
1. Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office;
2. A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office;
3. A copy of the return postcard stamped by the PCT Branch of the United States Patent and Trademark Office indicating that a paper copy of the sequence listing and a diskette containing the Sequence Listing were received on December 8, 2000 with the application as filed;
4. A copy of the Transmittal form for the above-identified application dated December 8, 2000 indicating that a paper copy of the sequence listing and a diskette containing the Sequence Listing were transmitted with the application as filed;
5. A copy of the face of the diskette containing the Sequence Listing which was transmitted with the application as filed on December 8, 2000;
6. Transmittal Letter for Substitute Diskette Containing Sequence Listing;
7. Three (3) sheets of Sequence Listing;
8. Substitute Diskette Containing Sequence Listing; and
9. A prepaid return acknowledgment postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. For this purpose, a duplicate of this sheet is enclosed.

"Express Mail" mailing label number EL 833 312 952 US

Date of Deposit January 3, 2002


I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Box PCT, Washington, DC 20231

  
Signature

Harry Taylor  
Please Print Name of Person Signing

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

By   
Megan E. Williams, Esq.  
Reg. No. 43,270  
28 State Street  
Boston, MA 02109  
617-227-7400

Rec'd PCT/PTO 03 JAN 2002

FORM PTO-1390 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (REV 10-2000)		ATTORNEY'S DOCKET NUMBER <b>RII-003CPUS</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C.371</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION <b>PCT/US99/12929</b>	INTERNATIONAL FILING DATE <b>09 June 1999 (09.06.99)</b>	PRIORITY DATE CLAIMED <b>09 June 1998 (09.06.98) 11 June 1998 (11.06.98)</b>
TITLE OF INVENTION <b>NOVEL HEPATITIS C VIRUS PEPTIDES AND USES THEREOF</b>		
APPLICANT(S) FOR DO/EO/US <b>Andrea B. BRANCH, Jose L. WALEWSKI, and Dechard D. STUMP</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C.371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).</li> <li>4. <input checked="" type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C 371(c)(2)).</li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <b>(unexecuted) (4 sheets)</b></li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
Items 11. to 16. below concern document(s) or information included:		
<ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included</li> <li>13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li>14. <input type="checkbox"/> A substitute specification.</li> <li>15. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>16. <input checked="" type="checkbox"/> Other items or information: <b>Transmittal Letter (2 sheets in duplicate); PCT International Published Application (WO 99/63941) (without International Search Report) (51 sheets); PCT International Published Application Cover Sheet (WO 99/63941)(with International Search Report attached) (3 sheets); Sequence Listing (3 sheets); Diskette Containing Sequence Listing; Check (\$520) based on small entity status; Certificate of Express Mailing (1 sheet); and Return Postcard.</b></li> </ol>		

COPY

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. <b>PCT/US99/12929</b>		ATTORNEY'S DOCKET NO. <b>RII-003CPUS</b>	
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17. ☒ The following fees are submitted:

**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5) ) .(a/o November 1, 2000):**

Neither international preliminary examination fee (37 CFR 1.482)  
nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO  
and International Search Report not prepared by the EPO or JPO.....\$1000

International preliminary examination fee (37 CFR 1.482) not paid to  
USPTO but International Search Report prepared by the EPO or JPO .....\$860

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but  
international search fee (37 CFR 1.455(a)(2)) paid to USPTO .....\$710

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
but all claims did not satisfy provisions of PCT Article 33(1)-(4).....\$690

International preliminary examination fee paid to USPTO (37 CFR 1.482)  
and all claims satisfied provisions of PCT Article 33(1)-(4).....\$100

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	30 -20 =	10	X \$18.00	\$180
Independent claims	3 -3 =	0	X \$80.00	\$0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ 270.00	\$--
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$1040</b>

☒ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above  
are reduced by 1/2.

**SUBTOTAL =**

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30  
months from the earliest claimed priority date (37 CFR 1.492(f)).

**TOTAL NATIONAL FEE =**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be  
accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +

**TOTAL FEES ENCLOSED =**

	Amount to be:	\$
	refunded	
	charged	\$

COPY

a. ☒ A check in the amount of **\$520.00** to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit  
any overpayment to Deposit Account No. **12-0080**. A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR  
1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**Giulio A. DeConti, Esq.**  
**LAHIVE & COCKFIELD, LLP**  
28 State Street  
Boston, Massachusetts 02109  
United States of America  
Date: 08 December 2000

SIGNATURE

**Megan E. Willams**

NAME

**43,270**

REGISTRATION NUMBER